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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,884	10/21/2003	Charles Chiang	CHIA 3058/EM	2769
23364	7590	07/01/2005	EXAMINER	
BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314			SIMONE, CATHERINE A	
			ART UNIT	PAPER NUMBER
			1772	

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/688,884

Applicant(s)

CHIANG, CHARLES

Examiner

Catherine Simone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Arakawa et al. (US 5,308,695).

Arakawa et al. discloses a textile fabric comprising a fabric base layer having a front side and a back side (Fig. 1, #2; also see col. 3, lines 25-27), and a back coating layer (Fig. 1, #1) having a bonding side bonded to the back side of the fabric base layer and a back body side, the back coating layer being prepared from TPU (thermoplastic polyurethane), PS (polystyrene), and EVA (ethylene vinyl acetate) and coated on the fabric base layer (see col. 2, lines 15-19, 28-30 and 33-43). Regarding claim 2, the fabric base layer is made from a material selected from a group consisting of nylon and polyester (see col. 3, lines 25-27). Regarding claims 3 and 4, note a bonding layer bonded between the fabric base layer and the back coating layer (see col. 4, lines 44-47).

3. Claims 1, 3 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by McCormack et al. (US 6,309,736).

McCormack et al. discloses a textile fabric comprising a fabric base layer having a front side and a back side (Fig. 2, #30), and a back coating layer (Fig. 2, #18 or #20) having a bonding

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side bonded to the back side of the fabric base layer and a back body side, the back coating layer being prepared from TPU (thermoplastic polyurethane), PS (polystyrene), and EVA (ethylene vinyl acetate) and coated on the fabric base layer (see col. 4, lines 51-56 and 59-60). Regarding claims 3 and 4, note a bonding layer bonded between the fabric base layer and the back coating layer (see col. 6, lines 13-16).

4. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Hirai et al. (US 6,444,596).

Hirai et al. discloses a textile fabric comprising a fabric base layer having a front side and a back side, and a back coating layer having a bonding side bonded to the back side of the fabric base layer (see col. 3, lines 10-14) and a back body side, the back coating layer being prepared from TPU (thermoplastic polyurethane), PS (polystyrene), and EVA (ethylene vinyl acetate) and coated on the fabric base layer (see col. 5, lines 43-52). Regarding claim 2, the fabric base layer is made from a material selected from a group consisting of nylon and polyester (see col. 5, line 65 to col. 6, line 1). Regarding claims 3 and 4, note a bonding layer bonded between the fabric base layer and the back coating layer (see col. 6, lines 13-14).

5. Claims 1, 6 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Noll (US 3,905,929).

Noll discloses a textile fabric comprising a fabric base layer having a front side and a back side (see col. 9, lines 19-25), and a back coating layer having a bonding side bonded to the back side of the fabric base layer (see col. 9, lines 19-25) and a back body side, the back coating layer being prepared from TPU (thermoplastic polyurethane), PS (polystyrene), and EVA (ethylene vinyl acetate) and coated on the fabric base layer (see col. 2, lines 10-22, col. 8, line 51

and col. 9, lines 35-39). Regarding claims 6 and 7, the back coating layer is prepared from the TPU, the PS, the EVA, and a processing oil obtained from long chain dihydric alcohols or short chain dihydric alcohols (see col. 4, lines 10-25) and additives (see col. 9, lines 48-50).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Arakawa et al. or McCormack et al. or Hirai et al. in view of Frey (US 3,075,863).

Arakawa et al., McCormack et al. and Hirai et al. each disclose the presently claimed textile fabric as shown above except for the bonding layer being prepared from PMMA (polymethyl methacrylate), viscosity index improver, additives, and toluene. Frey teaches that it is old and well-known in the art to use a solution of PMMA (polymethyl methacrylate) to form a barrier layer between a fabric base layer and top layer for the purpose of providing the best adhesion and plasticizer barrier between the top and base layers (see col. 2, lines 45-58). Therefore, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have modified the bonding layer in either Arakawa et al., McCormack et al. or Hirai et al. to be prepared from PMMA (polymethyl methacrylate), viscosity index improver, additives, and toluene as suggested by Frey in order to improve the

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bond between the fabric base layer and back coating layer and provide the best adhesion and plasticizer barrier between the back coating layer and fabric base layer.

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Noll (US 3,905,929) in view of McCormack et al. (US 6,309,736).

Noll discloses a textile fabric comprising a fabric base layer having a front side and a back side (see col. 9, lines 19-25), and a back coating layer having a bonding side bonded to the back side of the fabric base layer (see col. 9, lines 19-25) and a back body side, the back coating layer being prepared from TPU (thermoplastic polyurethane), PS (polystyrene), and EVA (ethylene vinyl acetate) and coated on the fabric base layer (see col. 2, lines 10-22, col. 8, line 51 and col. 9, lines 35-39). However, Noll fails to disclose the back coating layer being embossed. McCormack et al. teaches that it is old and well-known in the art to emboss a back coating layer so as to impart an embossed pattern to the newly formed film and reduce the gloss of the film and give it a matte finish (see col. 7, lines 23-27). Therefore, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have embossed the back coating layer in Noll as suggested by McCormack et al. in order to impart an embossed pattern to the newly formed film and reduce the gloss of the film and give it a matte finish.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Catherine Simone whose telephone number is (571)272-1501. The examiner can normally be reached on 9:30-6:00.

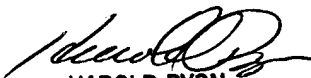
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Catherine Simone
Examiner
Art Unit 1772
June 24, 2005



HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

6/27/05